

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7 GMAT LEGAL TITLE TRUST 2013-1, BY) 3:15-cv-00044-HDM-WGC
U.S. BANK, NATIONAL ASSOCIATION)
8 AS LEGAL TITLE TRUSTEE, a)
national association,) ORDER
9)
10 Plaintiff,)
11)
vs.)
12)
13 JAMES W. FITCHNER, an individual;)
14 SANDRA A. WHITE, an individual;)
15 NORENE M. VICKERS, an individual;)
16 BANK OF AMERICA, N.A., a national)
association; RAINBOW BEND)
17 HOMEOWNERS ASSOCIATION, INC., a)
corporation; DOES 1 through 10,)
inclusive, and ROES 1 through 10,)
inclusive.)
18)
19 Defendants.)
20)

18 Defendant Rainbow Bend Homeowners Association moves this court
19 to reconsider its November 19, 2015 order denying without prejudice
20 defendant's motion to dismiss, or in the alternative, motion for
21 summary judgment (#49). Plaintiff has opposed (#50).

22 The Federal Rules of Civil Procedure do not contemplate motions
23 to reconsider interlocutory orders. See, e.g., Fed. R. Civ. P. 60(b)
24 (specifying that this rule only applies to "a final judgment, order,
25 or proceeding"). Rather, the court has "the inherent procedural
26 power" to reconsider orders it deems inadequate. *City of Los Angeles,*
27 *Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir.
28 2001).

1 Reconsideration is appropriate in only limited circumstances.
2 See *School Dist. No. 1J, Multnomah Cty., Or. v. Acands*, 5 F.3d 1255,
3 1263 (9th Cir. 1993). A court properly exercises its discretion to
4 reconsider an issue if (1) the first decision was clearly erroneous
5 and would result in manifest injustice; (2) an intervening change in
6 the law has occurred; or (3) substantially new evidence has become
7 available. *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890
8 (9th Cir. 2000). Reconsideration is "an extraordinary remedy, to be
9 used sparingly and in the interests of finality and conservation of
10 judicial resources." *Id.* (internal quotation marks omitted). As
11 such, a motion for reconsideration is properly denied where it
12 presents no new arguments. *Backlund v. Barnhart*, 778 F.2d 1386, 1388
13 (9th Cir. 1985). By the same token, a motion for reconsideration "may
14 not be used to raise arguments or present evidence for the first time
15 when they could reasonably have been raised earlier in the
16 litigation." *Kona Enters., Inc.*, 229 F.3d at 890.

17 The court concludes that there is no basis to reconsider its
18 order denying without prejudice defendant's motion to dismiss, or in
19 the alternative, motion for summary judgment. Accordingly,
20 defendant's motion to reconsider (#49) is **DENIED**.

21 IT IS SO ORDERED.

22 DATED: This 22nd day of January, 2016.

Howard D. McKibbin

UNITED STATES DISTRICT JUDGE